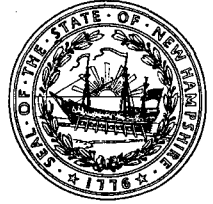


State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2005-004**

March 24, 2005

Dallas Melendy
2311 Main Street
Jefferson, MA 01522

RE: DES Wetlands File #2004-01563, 29 Ledge Road, Holderness

Dear Mr. Melendy:

On September 21, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above-referenced property, more specifically referenced on Town of Holderness Tax Map 239 as Lot 56 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800.

During the inspection and upon further investigation, the following was documented:

1. A seasonal wooden dock measuring 4' x 18' was observed supported by a concrete pad measuring approximately 6' x 16' on the Property. A review of DES records indicate that a permit had not been issued for the dock.
2. By letter to DES dated August 10, 2004, Earl Melendy stated that the dock was built in the late 1960's and provided a photo taken in 1972. The photo shows a weathered dock in the same location as the dock in the 2004 DES inspection.
3. On July 26, 1993, the town of Holderness issued a Notice of Noncompliance because a 4' x 24' "L" extension had been added perpendicular to the existing dock. The inspection report (copy enclosed) includes photos and a sketch in which the existing dock was measured to be 16'.
4. DES obtained photos of the existing dock from 1993 and 2004 for comparison (copies enclosed). These two photos were used because they were from the same photo aspect. The length of the wooden dock and the length of the concrete pad was measured in each photo and a ratio calculated. DES determined that the length of the dock in the 2004 photo had increased by approximately 12%, or 2 feet from the 1993 photo. This calculation is consistent with the town's findings that the dock in 1993 measured 16'.

In response, you are requested to take the following actions:

1. By May 6, 2005, shorten the present 18' dock by two feet to conform to the 16' length documented in the 1993 photo; and
2. Refrain from further alteration or configuration to the dock without a permit from DES; or
 1. By May 6, 2005, submit a standard dredge and fill application to DES to retain the dock in its current configuration and location. The application would require, pursuant to RSA 482-A:3 XIII(c) and NH

March 24, 2005

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Admin. Rule Wt 304.04, a notarized statement from your abutter granting you permission to locate the dock within 20 feet of the abutter's property boundary.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Linda Magoon
COPY Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact me at (603) 271-4056 or by e-mail at lmagoon@des.state.nh.us.

Sincerely,

COPY *Signature*

Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0001 2491 9076

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Holderness Conservation Commission
Holderness Board of Selectmen
Earl Melendy